

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|--------------------------------------|---|------------------------------------|
| PHILLIP REHWALD, |) | |
| |) | |
| Petitioner, |) | Civil Action No. 2:21-cv-964 |
| |) | |
| v. |) | Judge Arthur J. Schwab |
| |) | Magistrate Judge Patricia L. Dodge |
| SUPT. MICHAEL ZAKEN, <i>et al.</i> , |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM ORDER

Petitioner, Phillip Rehwald, is a Pennsylvania prisoner who is currently housed at SCI Greene. Pending before the Court is a petition for a writ of habeas corpus (ECF 1) he filed pursuant to 28 U.S.C. § 2254 in which he challenges the judgment of sentence imposed upon him by the Court of Common Pleas of Allegheny County at criminal docket number CP-02-CR-6354-2015. He is already challenging that judgment of sentence in a federal habeas case docketed with this Court at *Rehwald v. Superintendent Zaken*, No. 2:20-cv-689 (W.D. Pa.).¹

This habeas action was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court. On September 10, 2021 the Magistrate Judge filed a Report and Recommendation (ECF 2) recommending that the Court dismiss Rehwald's petition prior to service and deny a certificate of appealability as to all claims because it plainly appears from the petition and attached exhibits that he is not entitled to habeas relief. *See* Rule 4 of the Rules Governing Section 2254 Cases. Petitioner has filed Objections (ECF 3) to the Report and Recommendation.

¹ Rehwald's habeas case at No. 2:20-cv-689 is stayed until the conclusion of the litigation of his PCRA proceeding, including any appeal to a state appellate court.

After *de novo* review of Rehwald's petition (ECF 1), together with the Report and Recommendation (ECF 2) and Rehwald's Objections (ECF 3) thereto, the following ORDER is entered:

AND NOW, this 28th day of September, 2021,

IT IS HEREBY ORDERED that Rehwald's petition for a writ of habeas corpus (ECF 1) is summarily DISMISSED and a certificate of appealability is DENIED as to each claim.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF 2) filed by the Magistrate Judge on September 10, 2021 is adopted as the Opinion of the Court.

The Clerk of Court shall mark this case CLOSED.

BY THE COURT:

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: via first-class mail to:

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and

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